

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO**

ANDREW DOMBROFF, on behalf of himself and all others similarly situated)	CASE NO.
)	
)	
)	
Plaintiffs,)	
)	
v.)	<u>CLASS ACTION</u>
)	
CUYAHOGA COUNTY)	<u>COMPLAINT AND DEMAND FOR</u>
)	<u>JURY TRIAL</u>
and)	
)	
)	
BOB REID, Cuyahoga County Sheriff)	
)	
Defendants.)	

Plaintiff Andrew Dombroff, through undersigned counsel, alleges the following on behalf of himself and all others similarly situated in support of their Complaint:

INTRODUCTION

1. This is a case of repeated and systematic illegal detention by Cuyahoga County and the Cuyahoga County Sheriff. This action is brought pursuant to 42 U.S.C. § 1983 for violations of the Eighth and Fourteenth Amendments to the U.S. Constitution, and pursuant to Ohio common law for wrongful imprisonment.
2. Ohio law requires that a person arrested without a warrant be brought before a judge “without unnecessary delay” for a bail determination and other initial proceedings.
3. The Cuyahoga County Sheriff regularly and systematically takes custody of and holds arrestees without a bail determination longer than necessary. Local law enforcement officers can obtain a bail determination from a local municipal judge, often within a day.

In many cases (including all felony cases), however, the policy of Cuyahoga County, the Cuyahoga County Sheriff, and local police departments is to hold arrestees without a bail determination by a municipal judge, transfer them to the custody of the Sheriff, hold them in the Cuyahoga County jail, and only obtain a bail determination from a Cuyahoga County Common Pleas judge. This process regularly takes days.

4. Pursuant to its regular practice, and at great unnecessary cost, the Cuyahoga County Sheriff has unlawfully and unconstitutionally detained thousands of people, including Mr. Dombroff and all members of the proposed class.

Named Parties

5. Plaintiff Andrew Dombroff is a resident of Ohio.
6. Defendant Cuyahoga County is a county in Ohio. The Cuyahoga County Sheriff's Office is an office in the Department of Health and Human Services of Cuyahoga County.
7. Defendant Bob Reid is the Cuyahoga County Sheriff. Sheriff Reid is sued in his individual capacity and in his official capacity, as set forth below.

Jurisdiction and Venue

8. This Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. § 1331, 28 U.S.C. § 1343(a)(3), and 28 U.S.C. § 1367.
9. Venue is proper in this Court pursuant to 28 U.S.C. 1391(b)(1) and (2).

Cuyahoga County's Policy of Unlawful Detention

10. When a law enforcement officer arrests a person anywhere in Cuyahoga County without a warrant, that person is initially held in the local jail. The local police officer could

bring that person before a local municipal judge for a bail determination that same day, or the next business day, without unnecessary delay.

11. However, if the Cuyahoga County Prosecutor decides to take over prosecution of the case (which he always does for felony charges, and sometimes for other charges) and the person is not yet in the custody of the Cuyahoga County Sheriff, by policy, custom, and practice, the arrestee is held in the local jail, then transferred to the custody of the Cuyahoga County Sheriff. The person is then housed in the Cuyahoga County jail, and only later is a bail determination obtained from a Cuyahoga County Common Pleas judge. The Cuyahoga County Sheriff has taken custody of thousands of people and housed them in the Cuyahoga County jail without bail days after their arrest via this practice.
12. Because of the agreed policy of Cuyahoga County, the Cuyahoga County Sheriff, and local police departments, arrestees are regularly held for days before they receive a bail determination. This delay is costly, unnecessary, and unlawful. Arrestees could be brought before the local municipal judge for a bail determination rather than held in local jail, transferred to the custody of the Cuyahoga County Sheriff, held in the Cuyahoga County jail, and only then brought before a Cuyahoga County Common Pleas judge for a bail determination.
13. Because of this policy, the Cuyahoga County Sheriff has taken custody of thousands of arrestees and continued to detain them, knowing that they were being held without bail, in violation of the Eighth and Fourteenth Amendments, and knowing that they have not

been brought before a judge for a bail determination “without unnecessary delay,” as required by Ohio law.

14. The policy of Cuyahoga County and the Cuyahoga County Sheriff, of taking custody and continuing to detain arrestees knowing that are being held without bail and have not been brought before a judge for a bail determination “without unnecessary delay,” is a “policy or custom” for purposes of 42 U.S.C. § 1983.

Unlawful Detention of the Named Plaintiff

15. Mr. Dombroff was arrested without a warrant on Saturday, February 18, 2012, at approximately 2:30 pm, by a patrolman of the Westlake Police Department. Mr. Dombroff was taken to the Westlake City Jail.
16. Less than 10 hours after his arrest, a Rocky River Municipal Court judge reviewed the evidence and determined that there was probable cause to arrest Mr. Dombroff.
17. Mr. Dombroff was not brought to the Rocky River Municipal Court for a bail determination at the time of the probable cause determination, or at any other time.
18. Instead, Mr. Dombroff was transferred to the custody of the Cuyahoga County Sheriff on the morning of Wednesday, February 22, 2012, and held in the Cuyahoga County jail.
19. At approximately 1:00 pm on Wednesday, February 22, a Cuyahoga County Common Pleas judge ordered Mr. Dombroff released on a personal recognizance bond. Mr. Dombroff was not brought to the courtroom for the bail determination.
20. Mr. Dombroff was released at approximately 5:45 pm on Thursday, February 23, 2012, more than five days after he was arrested and more than a day after he was ordered released on his own recognizance.

Class Allegations

21. Plaintiffs bring this action as a class action pursuant to Rules 23(b)(2) and (b)(3) of the Federal Rules of Civil Procedure on behalf of all persons who, since August 27, 2010, have been arrested without a warrant by a law enforcement officer, have not been brought before a local municipal judge for a bail determination, who have been transferred to the custody of the Cuyahoga County Sheriff, and who have been detained, or are being detained, by the Cuyahoga County Sheriff before being brought before a judge for a bail determination.
22. The members of the class are so numerous that joinder of all class members is impracticable. The exact size of the class is not known. Upon information and belief, the class consists of at least several hundred people, if not several thousand, located throughout Ohio and the United States.
23. Plaintiffs will fairly and adequately protect the interests of the class. Plaintiffs have retained counsel competent and experienced in class actions, complex civil litigation, and criminal law. Plaintiffs have no interests that are adverse or antagonistic to those of the class.
24. Plaintiffs' claims are typical of the claims of the class. Plaintiffs and all class members present the same claim for relief based on the same set of relevant facts.
25. There are questions of law and fact common to the class, and those questions predominate over any questions affecting only individual members. Among the questions of law and fact common to the class are:

- (1) Whether transferring arrestees to the custody of the Cuyahoga County Sheriff, holding them in the Cuyahoga County jail, and bringing them before a Cuyahoga County Common Pleas judge rather than bringing them before a municipal judge for a bail determination violates the Eighth and Fourteenth Amendments to the U.S. Constitution.
- (2) Whether transferring arrestees to the custody of the Cuyahoga County Sheriff, holding them in the Cuyahoga County jail, and bringing them before a Cuyahoga County Common Pleas judge rather than bringing them before a municipal judge for a bail determination constitutes “unnecessary delay,” in violation of Ohio law.
- (3) Whether the Cuyahoga County Sheriff has a policy of taking custody of arrestees and continuing to detain them, knowing that they are being held without bail and knowing that they have not been brought before a judge for a bail determination “without unnecessary delay.”
- (4) Whether the Cuyahoga County Sheriff’s practice constitutes a policy or custom for purposes of 42 U.S.C. § 1983.

26. A class action is superior to other available methods for fairly and efficiently adjudicating this controversy. Many class members, all of whom have been arrested and some of whom have been incarcerated, do not have the means or incentive to take on the expense and burden of individual litigation. No litigation by class members yet exists concerning this controversy. Concentrating the litigation of the claims in this forum is desirable, as all of Defendants’ unconstitutional acts took place, and continue to take place, in this

district. There is no anticipated difficulty managing this litigation as a class action, and resolution of the legal and factual issues common to the class in one action will promote judicial economy and uniformity among persons similarly situated.

27. The Defendants have acted, and continue to act, on grounds that apply generally to the class, so that final injunctive relief is appropriate respecting the class as a whole. All class members have been injured or are being injured by Defendants' policies and practices.

COUNT I – Violation of 42 U.S.C. § 1983

28. Plaintiffs incorporate by reference the allegations in paragraphs 1 through 27, above.
29. Count I is brought against Defendant Cuyahoga County and Defendant Bob Reid, in his official capacity as Cuyahoga County Sheriff. Count I is not brought against Defendant Bob Reid in his individual capacity.
30. Mr. Dombroff and all class members were arrested without a warrant and detained by law enforcement officers in the exercise of their official authority.
31. When they arrested and detained Mr. Dombroff and all class members, the law enforcement officers were acting under color of state law.
32. Mr. Dombroff and all class members were not brought before a local municipal judge for a bail determination.
33. Instead, Mr. Dombroff and all class members were held in a local jail until the Cuyahoga County Sheriff then took custody of them.
34. When the Cuyahoga County Sheriff took custody of Mr. Dombroff and all class members, the Cuyahoga County Sheriff knew that Mr. Dombroff and all class members

were being held without bail and had not been brought before a judge for a bail determination “without unnecessary delay.”

35. The Cuyahoga County Sheriff held Mr. Dombroff and all class members in the Cuyahoga County jail before bringing Mr. Dombroff and all class members before obtaining a bail determination from a Cuyahoga County Common Pleas judge.
36. Mr. Dombroff and all class members were detained, or are being detained, by the Cuyahoga County Sheriff without bail and without having been brought before a judge for a bail determination “without unnecessary delay” pursuant to an agreed policy of unlawful detention described above.
37. At all relevant times, the Cuyahoga County Sheriff has acted under color of state law.
38. Accordingly, Cuyahoga County’s and the Cuyahoga County Sheriff’s policy of unlawful detention has deprived Mr. Dombroff and all class members of their rights under the Eighth and Fourteenth Amendments to the U.S. Constitution, in violation of 42 U.S.C. § 1983.

COUNT II – Wrongful Imprisonment under Ohio common law

39. Plaintiffs incorporate by reference the allegations in paragraphs 1 through 38, above.
40. Count II is brought against Defendant Bob Reid in his individual capacity and in his official capacity as Cuyahoga County Sheriff.
41. Mr. Dombroff and all class members were arrested without a warrant and detained by law enforcement officers in the exercise of their official authority.
42. When they arrested and detained Mr. Dombroff and all class members the law enforcement officers were acting under color of state law.

43. Mr. Dombroff and all class members were not brought before a local municipal judge for a bail determination.
44. Instead, Mr. Dombroff and all class members were held in a local jail until the Cuyahoga County Sheriff then took custody of Mr. Dombroff and all class members.
45. When the Cuyahoga County Sheriff took custody of Mr. Dombroff and all class members, the Cuyahoga County Sheriff knew that Mr. Dombroff and all class members were being held without bail and had not been brought before a judge for a bail determination “without unnecessary delay.”
46. The Cuyahoga County Sheriff held Mr. Dombroff and all class members in the Cuyahoga County jail before obtaining a bail determination from a Cuyahoga County Common Pleas judge.
47. Mr. Dombroff and all class members were detained, or are being detained, by the Cuyahoga County Sheriff without bail and without having been brought before a judge for a bail determination “without unnecessary delay” pursuant to an agreed policy of unlawful detention described above.
48. Defendant Bob Reid ordered, knew of, participated in, and ratified the policy of unlawful detention by which Mr. Dombroff and all class members were held without bail and without having been brought before a judge for a bail determination “without unnecessary delay.”
49. Defendant Bob Reid acted in a wanton or reckless manner in ordering, knowing of, participating in, and ratifying a policy of disregarding the rights of Mr. Dombroff and all class members under the U.S. Constitution and Ohio law.

PRAYER FOR RELIEF

WHEREFORE, Mr. Dombroff, on behalf of himself and all others similarly situated, prays for compensatory and punitive damages against Defendants in an amount to be determined at trial; declaratory and injunctive relief; interest, costs, expenses, and attorneys fees; and such further relief as the Court may deem appropriate.

JURY DEMAND

Plaintiffs respectfully demand a trial by jury on all issues in this action.

Respectfully submitted,

/s Christian J. Grostic
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